

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL WRIT PETITION NO.5250 OF 1990

Shri Gajanan Sahakari Dudh Vyavasayik Sanstha Maryadith	Petitioner
Vs.	
Bhujaidevi Sahakari Dudh Vyavasayik Sanstha Maryadith & ors.	Respondents

Mr.V.D.Govilkar for petitioner.
Mr.V.B.Rajure for Resp.No.1.
Mr.Y.D.Mulani, AGP for Resp.Nos.2 to 4.

CORAM: B.H.MARLAPALLE & D.B.BHOSALE,JJ.

March 13, 2006.

P.C.

. The Asst. Registrar, Co-operative Societies (Milk), Dist. Kolhapur by his order dated 20/12/1989 had revived the Respondent No.1-Society and granted permission to resume the activities of the said Society. By the very same order the Asst. Registrar had also appointed a temporary Managing Committee consisting of five members for a period of six months. The present petitioner challenged the said order passed by the Asst. Registrar in Appeal No.2 of 1990 filed under Section 152 of the Maharashtra Co-operative Societies Act, 1960 before the Regional Deputy Registrar, Co-operative Societies (Milk), Pune Division at Pune who was pleased to allow the Appeal by his order dated 27/6/1990 and the order passed by the Asst. Registrar for revival of the Respondent

No.1-Society came to be quashed and set aside. The Respondent No.1, therefore, filed Revision Application No.16 of 1990 under Section 154 of the Maharashtra Co-operative Societies Act, 1960 and the Joint Registrar, Co-operative Societies, Maharashtra State at Mumbai was pleased to allow the Revision by setting aside the order dated 27/6/1990 passed by the Deputy Registrar.

. While granting Rule this Court by its order dated 11/12/1990 granted interim relief in terms of prayer clause (e) as a result of which the order passed by the Asst. Registrar reviving the Respondent No.1-Society was stayed. It is thus obvious that with the passage of time the case of the Respondent No.1 by the challenge of the petitioner to the revival of the respondent no.1 need not be gone into. More so when the State Government's policy regarding Dairy Development and registration of Co-operative Societies (Dairy) has been changed from time to time under various Schemes implemented by the Central Government, State Government or by some other agencies like NABARD etc. It will be, therefore, appropriate for the Respondent No.1 to approach the Asst. Registrar, Co-operative Societies (Dairy) with

a fresh application, if so desired, so that the case of the Respondent No.1 is considered as per the present policy of the State Government. We have noticed from the record that Civil Application No.4685 of 1993 was disposed off by this Court by the order dated 22/2/1994 and it was noted that the Respondent No.1 was to approach afresh to the Respondent No.2 and it was directed that if such an application is filed by the Respondent No.1, the Respondent No.2 would decide the same within four weeks.

. This petition will have to be, therefore, made absolute in terms of prayer clause (e) and if the Respondent No.1 had submitted a fresh application subsequent to the order passed by this Court on 22/2/1994, nothing would survive in this petition so far as the said Respondent is concerned.

. Hence the Rule granted earlier is made absolute in terms of the interim order passed by this Court with no order as to costs.

(D.B.BHOSALE,J.)

(B.H.MARLAPALLE,J.)